IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1619 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AMBIC METAL BOX INDUSTRIES PVT. LTD

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 1619 of 1988
MR SI NANAVATI for Petitioner No. 1-2
MR DN PATEL for Respondent No. 1-4

CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE A.L.DAVE

Date of decision: 21/03/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

During the hearing of this petition, the learned counsel for the petitioners states that the petitioners will respond within two weeks from today to the letter dated 11th March, 1988 at Annexure:C to the petition, relying upon the decision of the Supreme Court in Union of India v. J.G. Glass Industries Ltd., reported in 1998 (97) E.L.T. 5 (SC) and the decision of the Tribunal in Azad Tin Factory (P) Ltd. v. Collector of Central Excise, reported in 1993 (64) E.L.T. 78 (Tribunal) and other judgments of the Supreme Court, other courts and the Tribunal, as may be relied upon by the petitioner. The learned counsel for the respondents states that if such reply is received by the respondents, as stated by the learned counsel for the petitioners, a decision will be taken thereon in accordance with law by the concerned authority after taking into account the decisions on which reliance may be placed by the petitioner and after giving an opportunity of hearing to the petitioners. It is accordingly directed that on the petitioners responding to the letter dated 11th March, 1988 at Annexure:C to the petition in the manner as stated by the learned counsel for the petitioners, the concerned authority of the respondents shall take an appropriate decision thereon in accordance with law after taking into consideration the contentions that may be raised by the petitioners and the precedents relied upon by the petitioners. Such decision will be taken expeditiously, preferably within six weeks from the date of the receipt of the stand already taken by the respondents in the present petition. Subject to the above directions, the petition stands disposed of. Rule is discharged with no order as to costs. Interim relief stands vacated.

[R.K. ABICHANDANI, J.]

[A.L. DAVE, J.]

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